

**Maritime Archaeology Working Group (MARCH)
Stellwagen Bank National Marine Sanctuary Office, Scituate, MA
9:00 AM – 6:00 PM
20 January 2004**

Meeting Summary

Summary of Action Items

1. SBNMS staff should determine the proper usage of NGO and add the term private to the list of partnership groups if the term NGO does not include that variety of organization.
2. SBNMS staff should develop a GIS layer that shows commonly used trawl paths throughout the sanctuary.
3. SBNMS staff should create a simplified matrix of information on the levels showing protective area size, prohibitions, criteria for designation, and anticipated placement of located sites. Within this matrix provide several different options for protective area size and prohibitions.

Working Group Attendees

Name	Affiliation
Jerry Hill	SAC Member Chair
Ben Cowie-Haskell	SBNMS Team Lead
John Jensen	Mystic Seaport
Ivar Babb	National Undersea Research Center at UCONN
Victor Mastone	MA Board of Underwater Archaeological Resources
Deborah Cramer	Conservation Community
Martina Duncan	Portland Harbor Museum
David Robinson	Public Archaeology Lab
Bill Lee	Commercial Fishing Industry
Steve James	Recreational Diving Industry
Marcie Bilinski	Technical Diving Community
Bruce Terrell	National Marine Sanctuary Program
Anne Smrcina	SBNMS Education Coordinator

Working Group Members Absent

Jeff Gray, Thunder Bay National Marine Sanctuary Manager
Gillnet (fixed gear) representative

Others Present

John Broadwater, Technical Advisor, Monitor National Marine Sanctuary
Joe Green, Technical Advisor, Enforcement Coordinator for SBNMS
Greg Hitchen, Technical Advisor, U. S. Coast Guard Enforcement Liason
Deborah Marx, SBNMS Maritime Archaeologist
Matthew Lawrence, Rapporteur and SBNMS Maritime Archaeologist

Michael Thompson, GIS Specialist with Perot Systems

WELCOME, INTRODUCTIONS, AND ADOPTION OF PREVIOUS MEETING'S MINUTES BY JERRY HILL

Each working group member provided his or her name and affiliation. Technical Advisors were introduced. A motion was made to adopt the previous meeting's minutes; MARCH members seconded and adopted the minutes. The group walked through an overview of the meeting's agenda. Bill Lee provided an update on a newly sunken fishing vessel that had gone down the previous week. The 50-foot gillnetter foundered along the Sanctuary's northern border at coordinates 13727 / 44335 in about 120 feet of water. Vessel had an Italian sounding name. Bill tried to image the vessel with a drop camera but could not find it at those coordinates. The current likely carried it south.

Steve James makes a motion to use a document characterizing fishing gear from a study of fishing gear effects on habitat by the Pew Charitable Trust called "Shifting Gear." Group seconds the motion and the pages were copied and handed out to the WG members.

PRESENTATION BY DR. JOHN BROADWATER ON DIVER ACCESS PERMITTING AT THE MONITOR NATIONAL MARINE SANCTUARY

John provided background on the history of the *Monitor* including its importance to history as the first vessel with a revolving gun turret. The Monitor National Marine Sanctuary (MNMS) was the first National Marine Sanctuary created. The National Marine Sanctuary Act (NMSA) was the best management tool because the vessel was in international waters and was in danger from souvenir collecting. Managers of the MNMS originally prohibited diving on the site because it was felt to be too dangerous, however a lawsuit decided by a NOAA administrative law judge compelled the sanctuary to accept research permit applications to dive the *Monitor*. Permits could be denied if applicants threatened the wreck but not because of safety issues. Initially, NOAA personnel accompanied permit holders on the boat, searching divers as they returned to the surface. Searching divers created serious trust problems between the NOAA and the divers and this policy was discontinued. The positive working relationship between the MNMS and the Cambrian Foundation was used to illustrate the good aspects of this permitting process.

Divers still wanted to visit the *Monitor* without having a research permit, so the special use permitting process was used to create a concessionaire program. The MNMS solicited concessionaire proposals from regional dive charter boats. Once a concessionaire was selected, a one-year pilot program was started to assess the concessionaire system. The system worked well so MNMS issued a 3-year special use permit to the concessionaire. The special use permit was suspended in 1999 for the start of major recovery operations on the monitor. It will likely resume in 2004.

John then described NOAA's new Maritime Heritage Program (MHP) for the group. Maritime Heritage Resources encompasses cultural, historical, and archaeological resources, underwater and otherwise, that have a maritime theme. MHP is a cross-cutting program that draws resources from the entire NMSP. The focus of MHP is to promote a

better understanding of our maritime cultural landscape (Man in the Sea connection). Nearly every sanctuary is currently exploring the maritime heritage resources within its boundaries.

The group then asked Dr. Broadwater several questions. Has there been any archaeological finds in the NMSs at similar depths to the *Portland*? He responded that while Thunder Bay had found sites in 300 feet of water there had been none yet found in 400 feet range. Is there any mobile gear around the *Monitor*? Yes, there is scallop dredging in the area. He has found some gear entangled on the site, such as longlines and nets. Marcie Bilinski comments that she has seen lots of gillnet gear entangled on shipwrecks in the MA Bay Area. There is a group of fishermen who target wrecks with their gillnets. Have you seen recreational gear on the *Monitor*? Yes, a group of divers did a cleanup, but they didn't have to remove that much. Fishhooks do occasionally snag divers on the *Monitor*.

John was asked about human remains issues on the *Monitor*. During the turret excavation the MNMS had planned for the possibility. Since they were U. S. Navy sailors the Geneva Convention was followed. The remains were treated with the respect due people. The excavation of remains was supervised by an archaeologist from the U. S. Army's Central Identification Laboratory in Hawaii, which identifies the remains of POWs and MIAs. Currently, NOAA has no policy on human remains, especially the remains of civilians. If encountered in state waters, state policies take over. SBNMS would probably follow MA state policies.

MARINA: Determine what the policy of the NMSP and SBNMS would be for human remains discovered in the sanctuary.

John described the dilemma he faced with the *Monitor*, whether to recover artifacts or leave them insitu. Greater familiarity with the *Monitor* brought an appreciation of the vessel's accelerated rate of deterioration. Structural integrity was failing because of the corrosion potential between holes and rivets. Recovery became the best option when the threat was the greatest. This policy also applied to a vessel in the Keys subject to diver collecting. Artifacts were recovered. Also need to weigh the public benefit for recovery and the cost.

John was asked if he thought that having the *Monitor* in a set aside area the best way to preserve it. He responded; It only works well with a strong education and outreach program. It did improve the chances of protecting the *Monitor*. Community management such as being practiced in this working group is the best way because it helps the community accept the limitations. The impact on fishing is much smaller at the MNMS. Most people did not have a problem with the 1 nautical mile square around the site, however a few fishermen thought it was disruptive. The MNMS is conveyed to mariners only through having it marked on the nautical charts. There is too much large vessel traffic and bad weather for a surface buoy. They do have a subsurface buoy. Thunder Bay National Marine Sanctuary also has a system of mooring buoys. Dive boats must use the buoys if they exist rather than grappling the wreck. One important

component in the managing the *Monitor* was a period of evaluation to establish a baseline before special use permits were issued.

John was asked if he saw the effects of storm wave at 240 feet. Yes there can be surge on the bottom. The MNMS use current meters to assess these natural forces.

MARINA: Investigate putting out current meters around the *Portland* site to determine if there are storm effects on the bottom.

ROUND TABLE DISCUSSION STRATEGY I

- Re-letter Activities, there are two activity A.
- Develop Activity E to make it less limiting and include not only institutions that are conducting MHR work but also those that could support MHR work.
- Add to Activity A an statement such as “Pursuant to the mission of and in coordination with the goals of the National Maritime Heritage Program,”

ROUND TABLE DISCUSSION STRATEGY II

- In Activity A amend to include “archaeological” with historical and anthropological research and documentation
- Amend Activity A to include Tribal along with federal, state...
- Amend Activity A to include relationships along with partnerships

ACTION: SBNMS staff should determine the proper usage of NGO and add the term private to the list of partnership groups if the term NGO does not include that variety of organization.

- Amend Activity A to include individuals as potential relationship opportunities

The Action Plan should utilize the Federal Archaeology Program (FAP) as a touchstone from which to proceed.

MARINA: When drafting the preamble to the Action Plan, use the FAP and the NMSA to establish a statutory threshold. Also capture the opportunity that SBNMS has to capture overall patterns of history rather than only site-specific history. The preamble should state that SBNMS should attempt to encompass a broad range of cultural activities through a holistic linkage with the environmental and cultural context of the area.

- Amend Activity B subsection 5 to be less restrictive with the text “using appropriate methodology such as: ...
- Amend Activity B subsection 6 to periodically instead of annually.
- Amend Activity C subsection 1 to “Conduct research necessary to establish the context of located sites.”
- Amend Activity C subsection 3 to “potentially eligible”
- Amend Activity C subsection 5 to “Determine in which...”

PRESENTATION ON THUNDER BAY NATIONAL MARINE SANCTUARY BY BRUCE TERRELL

Thunder Bay National Marine Sanctuary and Underwater Preserve (TBNMS) is a collection of shipwrecks that are not individually National Landmark sites, but collectively are a National Landmark. TBNMS lies entirely within Michigan State waters. Michigan was interested in having a NMS to encourage heritage tourism, however locals were resistant to the idea. There are no regulations pertaining to diving and/or fishing on the wreck within the sanctuary. Since, the sanctuary lies within state waters the federal managers cannot create more stringent regulation. Divers can use grappling hooks on unbuoyed sites. TBNMS has a manager/archaeologist, an archaeologist working for the state of Michigan, an education coordinator, and a historian. The mooring system at TBNMS is building upon a model first used in Wisconsin and is designed to be a consistent system.

ROUND TABLE DISCUSSION STRATEGY III

MARCH members suggested changing the numbering system for Activity B. Start with the least amount of regulation at level 1 and build up with greater levels of regulation. It may be important to distinguish between sites that are potentially eligible for the National Register and those sites listed on the National Register.

Revise levels 3 and 4 into one level, titled open access level. The goal of this level should be facilitation of diver access in the form of the placement of mooring buoys. Criteria for this level include: the ability to sustain increased levels of visitation without substantial site degradation. Sites at this level may still be eligible for or listed on the National Register.

The upcoming Boston Sea Rovers conference on March 7 is a good time to get diver feedback.

Maintain the Discovery level designation; however remove statement saying SBNMS can withhold coordinates. Commercial fishermen believe that there must be complete and open sharing of information to prevent draggers from further damaging sites. NO HOLDING BACK. Draggers are doing the greatest damage to shipwreck sites not divers, One dragger can do more damage than legions of divers.

The level system is too complex. It should be broken down to 3 levels: Discovery, Open Access, and Permitted Access.

How should the *Portland* be treated?

The *Portland* should fit into a monument category, those sites with the greatest importance. It should not be related to Landmark status. Should possess uniqueness and/or fragility.

-Monument sites should have a 1 nautical mile square protective area surrounding the site. Within that protective area the following are prohibited.

-Bottom recreational fishing, but not midwater and surface fishing.

-Anchoring

-Stopping

- Bottom and midwater trawling, dredging, gillnets, bottom longlines, Pots or traps, commercial hook and line.
- Surface commercial fishing is allowed.

Technical advisors from enforcement felt that the minimum enforcement size for a protective area had to be a square nautical mile and that circular protective areas or smaller squares were not practical. The group considered other techniques for protecting site such as buoys, but it was felt that buoying deeper sites in the middle of the sanctuary would not be feasible. Mike Thompson used the sanctuaries GIS to display 1 nautical mile squares. The group was struck with the relatively large appearance of such sites compared to the sanctuary's overall area. In particular, protective areas could disrupt trawling paths used by fishermen.

ACTION: SBNMS staff should develop a GIS layer that shows commonly used trawl paths throughout the sanctuary.

The group felt that education/outreach was the key to smaller protective areas. Information released about shipwrecks sites may still be used by gillnetters. Ten to twenty years ago there were trawlers targeting shipwrecks sites with large, high-powered gear. This is not the case anymore; gear is too expensive to tear up. Some sites are at greatest threat from diver artifact collecting; the *Portland* is believed to be one of those sites. By being upfront with the fishing community and disclosing wreck locations then fishermen will serve as ever present enforcement. Fishermen also have the best knowledge of wrecks and will share that information if the sanctuary is forthcoming. SBNMS should adopt a blue sky/full disclosure policy about wreck locations.

ACTION: SBNMS staff should create a simplified matrix of information on the levels showing protective area size, prohibitions, criteria for designation, and anticipated placement of located sites. Within this matrix provide several different options for protective area size and prohibitions.

Gerry E. Studds Stellwagen Bank National Marine Sanctuary
Management Plan Review

Maritime Archaeology Working Group – Agenda for Meeting 3

Date: 20 January 2004
Location: Stellwagen Bank National Marine Sanctuary
175 Edward Foster Rd.
Scituate, MA02066
781-545-8026

TIME	TOPICS AND OBJECTIVES
9:00-9:15	•Welcome Discussion Leader: Jerry Hill
9:15-9:30	•Review and Adoption of Minutes from Meeting 2 •Review of Agenda for Meeting 3 <u>Objective:</u> Working group members are reminded about what happened during meeting 2 and the agenda for meeting 3 Discussion Leader: Ben Cowie-Haskell
9:30-11:00	•Presentation by John Broadwater -NOAA's National Maritime Heritage Resource Program and Diver Access/ Permitting on the USS Monitor
11:00-11:30	• Round Table Discussion Part I: Draft Strategy 1 - Review Updated Draft Strategy 1 <u>Objective:</u> Update Draft Strategy 1 Discussion Leader: Ben Cowie-Haskell
11:30-12:00	• Round Table Discussion Part II: Draft Strategy 2 Review Updated Draft Strategy 2 <u>Objective:</u> Update Draft Strategy 2 Discussion Leader: Ben Cowie-Haskell
12:00-1:00	• Lunch • Presentation by Jeff Gray -Thunder Bay National Marine Sanctuary's Management of Maritime Heritage Resources
1:00-2:00	• Continue Round Table Discussion Part II: Draft Strategy 2 Review Updated Draft Strategy 2 <u>Objective:</u> Update Draft Strategy 2 Discussion Leader: Ben Cowie-Haskell

2:00-4:30	<ul style="list-style-type: none"> • Round Table Discussion Part III: Draft Strategy 3 <ul style="list-style-type: none"> -Review Updated Draft Strategy 3 <p><u>Objective:</u> Update Draft Strategy 3</p> <p>Discussion Leader: Ben Cowie-Haskell</p>
4:30-5:45	<ul style="list-style-type: none"> • Round Table Discussion Part IV: Draft Strategy 4, and 5 <ul style="list-style-type: none"> -Review Updated Draft Strategy 4 and 5 <p><u>Objective:</u> Update Draft Strategy 4 and 5</p> <p>Discussion Leader: Ben Cowie-Haskell</p>
5:45-6:00	<ul style="list-style-type: none"> •Summary and Next Steps <ul style="list-style-type: none"> - Do We Need to Meet in February? <p>Discussion Leader: Jerry Hill</p>
6:30-	<ul style="list-style-type: none"> •Optional Group Dinner at Mill Wharf Restaurant in Scituate <ul style="list-style-type: none"> - Dutch